

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-14, 16-21, and 23-26 are currently pending. Claims 1, 11, 19-21, 23, and 24 have been amended; and Claims 25 and 26 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.¹

In the outstanding Office Action, Claims 11-14, 16, 18-21, and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,817,979 to Nihtilä (hereinafter “the ‘979 patent”); Claims 1-4, 6, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘979 patent in view of U.S. Patent No. 6,478,736 to Mault (hereinafter “the ‘736 patent”); Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘979 patent in view of the ‘736 patent and U.S. Patent No. 5,956,484 to Rosenberg et al. (hereinafter “the ‘484 patent”); and Claims 17 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘979 patent in view of the ‘484 patent.

Amended Claim 1 is directed to an image displaying system, comprising:

a plurality of bio-information acquiring devices
including

means for measuring bio-information on each of
a plurality of persons under measurement, and

means for transmitting the bio-information; and
an image display device including

receiving means for receiving the bio-
information on the plurality of persons under
measurement, transmitted from each of the plurality of
bio-information acquiring devices,

image generating means for generating an image
on the basis of relationships among the bio-information
on the plurality of persons under measurement received

¹ See, e.g., page 18, lines 7-18 of Applicants’ specification.

by the receiving means, and display means for displaying the image,

wherein the plurality of bio-information acquiring devices and the image display device are located in different places and connected to each other via a network.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the ‘979 patent is directed to a system and method for interacting with a user’s virtual physiological model via a mobile terminal. In particular, the ‘979 patent discusses that fitness data can include graphical or animation data, in which physical attributes ***of the user*** are visually depicted in the form of an avatar. The ‘979 patent further discusses that changes to the avatar can be effected in response to changes ***in the user’s*** acquired physiological data over time, to predictions based on historical physiological data, and to predictions based on test physiological data and/or training regimen parameters.²

However, it is respectfully submitted that the ‘979 patent fails to disclose an image display device including image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the receiving means. Rather, as asserted by the outstanding Office Action,³ the ‘979 patent discusses

collecting physiological data representing a plurality of physiological parameters (Nihtila column 2 lines 5-15). A server collects the physiological data and compiles a virtual model or avatar ***of the user*** using the collected data and user settings (Nihtila column 6 lines 24-45, figure 6 item 604). The resulting avatar comprises ***an image of the user***. The incorporation of multiple physiological parameters in the avatar comprises a relationship among the parameters.

In particular, the ‘979 patent discusses ***a user specific avatar for each of a number of users***.⁴ The ‘979 patent does not disclose image generating means for ***generating an image*** on the

² See ‘979 patent, column 5, lines 25-32.

³ See Office Action dated February 12, 2008, page 11.

⁴ See ‘979 patent, column 6, lines 24-45.

basis of *relationships among the bio information on the plurality of persons* under measurement received by the receiving means.

Further, it is respectfully submitted that the '736 patent fails to remedy the deficiencies of the '979 patent, as discussed above. In addition, the outstanding Office Action does not cite the '736 patent as disclosing these features.

Thus, no matter how the teachings of the '979 and '736 patents are combined, the combination does not teach or suggest an image display device including image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the receiving means.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '979 and '736 patents.

Previously presented dependent Claim 4 is directed to the image displaying system according to Claim 1,

wherein the displaying means generates images of pseudo creatures representing a condition of each of the plurality of persons under measurement, and displays the plurality of pseudo creatures simultaneously.

Regarding the rejection of Claim 4 under 35 U.S.C. § 103(a), the outstanding Office Action cites column 6, lines 24-45 of the '979 patent for teaching all the limitations of Claim 4. However, the cited section simply discusses that a user can review the data *associated with his or her avatar* using a mobile terminal 122 or other user access/display device 128. The '979 patent further discusses that a server 126 also provides for the creation of the user-specific avatar by each of a number of users, and further provides for interaction between users and their respective avatars.⁵ The '979 patent does not disclose that the displaying means generates images of pseudo creatures representing a condition of each of the plurality

⁵ See '979 patent, column 6, lines 31-34 and 35-38.

of persons under measurement, and *displays the plurality of pseudo creatures simultaneously.*

Further, it is respectfully submitted that the '736 patent fails to cure the deficiencies of the '979 patent, as discussed above. In addition, the outstanding Office Action does not cite the '736 patent as disclosing these features.

Thus, no matter how the teachings of the '979 and '736 patents are combined, the combination does not teach or suggest that the displaying means generates images of pseudo creatures representing a condition of each of the plurality of persons under measurement, and displays the plurality of pseudo creatures simultaneously.

Accordingly, it is respectfully submitted that dependent Claim 4 patentably defines over any proper combination of the '979 and '736 patents.

Amended Claim 11, recites in part,

image generating means for generating an image on the basis of relationships among the bio-information on the plurality of persons under measurement received by the bio-information receiving means.

Amended Claim 19, recites in part,

generating an image on the basis of relationships among the bio-information of the plurality of persons under management received in the receiving.

As noted above, the '979 patent fails to disclose the image generating means recited in Claim 1. Thus, the '979 patent fails to disclose image generating means and generating an image, as recited in Claims 11 and 19, respectively. Accordingly, it is respectfully submitted that Claims 11 and 19 (and all associated dependent claims) patentably define over the '979 patent.

Previously presented dependent Claim 14 is directed to the image display device according to Claim 11,

wherein the image generating means generates images representing conditions of the plurality of persons under measurement; and

the displaying means displays the images representing the conditions of the plurality of persons under measurement simultaneously.

Previously presented dependent Claim 21 is directed to the method according to Claim 19,

wherein the generating the image comprises generating images representing conditions of the plurality of persons under measurement; and

the displaying comprises displaying the images representing the conditions of the plurality of persons under measurement simultaneously.

As noted above, the '979 patent fails to disclose that the displaying means displays the plurality of pseudo creatures simultaneously, as recited in Claim 1. Thus, the '979 patent fails to disclose the displaying means and the displaying recited in Claims 14 and 21, respectively. Accordingly, it is respectfully submitted that Claims 14 and 21 patentably define over the '979 patent.

Regarding the rejections of dependent Claims 7 and 8 under 35 U.S.C. § 103(a), it is respectfully submitted that the '484 patent fails to remedy the deficiencies of the '979 and '736 patents, as discussed above. Accordingly, it is respectfully submitted that dependent Claims 7 and 8 patentably define over any proper combination of the '979, '736, and '484 patents.

Regarding the rejections of dependent Claims 17 and 24 under 35 U.S.C. § 103(a), it is respectfully submitted that the '484 patent fails to remedy the deficiencies of the '979 patent, as discussed above. Accordingly, it is respectfully submitted that dependent Claims 17 and 24 patentably define over any proper combination of the '979 and '484 patents.

The present amendment also sets forth new Claims 25 and 26 for examination on the merits. No new matter has been added. New Claims 25 and 26 recite limitations analogous

to the limitations recited in Claims 1 and 11, respectively, but in non-means-plus-function format. Accordingly, for reasons analogous to the reasons stated above, for the patentability of Claims 1 and 11, it is respectfully submitted that new Claims 25 and 26 patentably define over any proper combination of the '979 and '736 patents.

Thus, it is respectfully submitted that independent Claims 1, 11, 19, 25, and 26 (and all associated dependent claims) patentably define over any proper combination of the '979, '736, and '484 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Johnny Ma
Registration No. 59,976